

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

LEIGH J. LEVENTIS and CHRISTOPHER)	C.A. NO.: 3:09-1561-JFA
LEVENTIS)	
)	
Plaintiff,)	
)	
vs.)	
)	
FIRST NATIONAL INSURANCE COMPANY))	
OF AMERICA,)	
)	
Defendant/Counterclaimant,)	ORDER
)	
vs.)	
)	
CHRISTOPHER LEVENTIS, CAROLINA)	
CARE PLAN, INC., MEDICAL MUTUAL)	
OF OHIO, PITTS RADIOLOGY)	
ASSOCIATES, P.A. , RICHLAND)	
COUNTY EMS and PALMETTO HEALTH)	
EMERGENCY PHYSICIANS,)	
)	
Counterclaim Defendants.)	
)	
_____ FIRST NATIONAL INSURANCE)	
COMPANY OF AMERICA,)	
)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
LEIGH J. LEVENTIS and PALMETTO)	
HEALTH RICHLAND,)	
)	
Third-Party Defendants.)	
_____)	

This matter comes before the Court on the plaintiff's motion to compel (ECF No. 152)

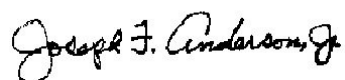
filed on December 21, 2010, defendant First National's motion to strike class allegations (ECF No. 153) filed on December 21, 2010, plaintiff's motion to stay the class certification deadline until the disposition of the plaintiff's motion to compel (ECF No. 154) filed on January 6, 2011, and defendant First National's motion to stay briefing and proceedings on class certification pending the disposition of First National's motion to strike class allegations and plaintiff's motion to compel (ECF No. 155) filed on January 6, 2011. The Court has reviewed the briefs submitted by both parties on all of the motions listed above.

The Court grants the plaintiff's motion to compel the defendant First National to designate a corporate representative for a 30(b)(6) deposition (ECF No. 152). The defendant has 21 days to either go through the remaining files and turn over the requested information to the plaintiff or to turn over the entire files for the plaintiff to sort through. Under either scenario, the defendant is required to provide a corporate representative for a 30(b)(6) deposition that can explain the notation system in the files to the plaintiff. The plaintiff also moved for sanctions under Rule 37 in this motion, and that portion of the motion will be held under advisement.

The Court denies the defendant First National's motion to strike class allegations (ECF No. 153) without prejudice until all class-related discovery is completed.

The remaining 2 motions (ECF Nos. 154 and 155) are now moot.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

February 25, 2011
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge